

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

METROPOLITAN DISTRICT COMMISSION,
et al.,

Defendants.

Civil Action No. 85-0489-RGS

CONSERVATION LAW FOUNDATION OF
NEW ENGLAND, INC.,

Plaintiff,

v.

METROPOLITAN DISTRICT COMMISSION,
et al.,

Defendants.

Civil Action No. 83-1614-RGS

MOTION FOR A STAY OF CASE IN LIGHT OF LAPSE OF APPROPRIATIONS

The United States of America hereby moves for a stay of the above-captioned case.

1. At the end of the day on September 30, 2025, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. The same is true for several other Executive agencies. The Department does not know when funding will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys are prohibited from working, even on a voluntary basis, except in very limited circumstances, including “emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342.

3. Undersigned counsel for the Department of Justice therefore requests a stay of this case, including postponement of the October 15, 2025 status conference, until Congress has restored appropriations to the Department.

4. If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Department. The Government will request that the status conference be reset for an available date thereafter that is convenient for the Court.

5. Counsel for the Massachusetts Water Resources Authority (MWRA), Massachusetts Department of Environmental Protection (MassDEP), and Conservation Law Foundation (CLF) have authorized counsel for the Government to state that they do not take a position on this motion.

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, the Government hereby moves for a stay of this case until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

Respectfully submitted,

UNITED STATES OF AMERICA

LEAH B. FOLEY
United States Attorney
District of Massachusetts

By: /s/ Hillary H. Harnett
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LOCAL RULE 7.1 CERTIFICATION

I hereby certify that I conferred with counsel for MWRA, MassDEP, and CLF concerning the stay requested in this motion.

Dated: October 10, 2025

/s/ Hillary H. Harnett

Hillary H. Harnett
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

Dated: October 10, 2025

/s/ Hillary H. Harnett

Hillary H. Harnett
Assistant U.S. Attorney